IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

Writ Petition No.5264 of 2007.

[Sharad Ramesh Wankhede]

Vs.

[Shri Darshan Bharti Shikshan Sanstha and others]

Office Notes, Office Memoranda of Coram,appearances,Court's orders or directions and Registrar's orders.	**Court's or Judge's orders**

Shri D. R. Chambhare, Advocate for the applicant.

Coram: A. H. JOSHI, J.
Dated: 30th November 2007.

1. The Judgment and order passed by the School Tribunal is under challenge.

2. The petitioner has contended that he has filed appeal against the oral order made on 23/6/2004. The petitioner did not come to the Tribunal admitting the fact that in fact, his services were terminated by order dated 25-3-2003 with effect from 30-04-2005.

3. It is not the petitioner's

case that the said termination order, which was a written order, was withdrawn by the management. On the other hand, he states that he was allowed to work and sign the Muster Roll, which is on showing by him, done by one Shri Moghe who was not working as Head Master at material time. Signing on Muster Roll done by the petitioner after termination is not proved to be a conscious act of the Management of withdrawing the termination and permitting him to resume his duty by way of reinstatement.

3. Admittedly, the post on which the petitioner was working was not filled in by procedure prescribed by the rules. The vacancy was, admittedly, filled in by advertisement, and recruiting a person belonging to Scheduled Caste.

4. In these premises, story of the petitioner that there is oral termination is held by the Tribunal to be not proved. This Court finds that termination order dated 25-3-2003 was never challenged, and has attained the finality.

5. In this background, the impugned order is not shown to be illegal or otherwise vitiated.

6. No interference is called for. Petition is dismissed.

JUDGE

Sbm